

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**JENNIFER HASEMANN and DEBBIE  
HOTH, individually and on behalf of all others  
similarly situated,**

**Plaintiffs,**

**v.**

**GERBER PRODUCTS CO.,**

**Defendant.**

**Civil Action No. 1:15-cv-02995-EK-  
RER**

**JEREMY GREENE and CETARIA  
WILKERSON, individually and on behalf of  
all others similarly situated,**

**Plaintiffs,**

**v.**

**GERBER PRODUCTS CO.,**

**Defendant.**

**Civil Action No. 1:16-cv-1153-EK-RER**

**WENDY MANEMEIT, individually and on  
behalf of all others similarly situated,**

**Plaintiffs,**

**v.**

**GERBER PRODUCTS CO.,**

**Defendant.**

**Civil Action No. 2:17-cv-00093-EK-  
RER**

**STIPULATION REGARDING SUSPENSION OF CURRENT DEADLINES IN  
AMENDED CONSOLIDATED CASE SCHEDULING ORDER**

**WHEREAS** Plaintiffs and Gerber Products Company (d/b/a Nestlé Nutrition, Nestlé Infant Nutrition, or Nestlé Nutrition North America) (collectively the “Parties”) have met-and-conferred regarding the continuing circumstances relating to the Coronavirus/COVID-19 Pandemic and its effect on the schedule related to these actions and agree that the current situation calls for a continued suspension of the current deadlines in the Amended Consolidated Case Scheduling Order dated November 1, 2019 (Dkt. 153) (the “Scheduling Order”);

**WHEREAS** the Scheduling Order provides that depositions of the five affirmative experts who have submitted affirmative expert reports were to have occurred on or before April 17, 2020;

**WHEREAS** there have been ten prior extensions of various case deadlines in this matter, which this Court has granted in orders dated July 2, 2020; April 29, 2020; November 1, 2019; April 16, 2019; December 11, 2018; October 9, 2018; March 26, 2018; February 8, 2017; October 11, 2016; and June 29, 2016;

**WHEREAS** on July 2, 2020, the Parties requested and the Court entered an Order suspending all dates in the Scheduling Order through August 31, 2020, and requiring the parties to meet and confer and thereafter provide the Court with a Status Report September 9, 2020, regarding what next steps they believed were warranted with respect to an Amended Consolidated Scheduling Order, or whether they believed a continued stay of dates was still warranted if the current situation holds;

**WHEREAS** the Parties have met-and-conferred regarding the continued circumstances relating to the Coronavirus/COVID-19 Pandemic and its effect on the schedule related to these actions and agree that the current situation calls for a continued suspension of the

current deadlines in the Scheduling Order;

**WHEREAS** the following deadlines, which remained in place during the previous stay have been affected by the previous stay:

- a. **April 17, 2020:** depositions of affirmative expert witnesses;
- b. **May 6, 2020:** submission of rebuttal expert witness reports;
- c. **June 10, 2020:** depositions of rebuttal expert witnesses;
- d. **June 17, 2020:** close of expert discovery; and
- e. **June 24, 2020:** service of pre-motion letters regarding proposed dispositive motions.

**IT IS HEREBY STIPULATED AND AGREED** between and among the Parties, by and through their undersigned counsel, as follows:

1. All dates in the Scheduling Order should continue to be suspended through January 8, 2021. Following that date, the Parties will meet-and-confer and thereafter provide the Court with a report by January 18, 2021, regarding what next steps they believe are warranted to move forward with an amended Scheduling Order, or whether they believe a continued stay of dates are still warranted if the current situation holds.

Dated: New York, New York  
September 4, 2020

On Behalf of Plaintiffs:

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*Attorneys for Plaintiffs*

On Behalf of Defendant:

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*Attorneys for Defendant*

SO ORDERED: \_\_\_\_\_

Hon. Eric R. Komitee, U.S.D.J.